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July 29, 2010

Hon. Joel Schneider, U.S.M.J.
District of New Jersey
Mitchell H. Cohen U.S. Courthouse.
1 John F. Gerry Plaza
Camden, NJ 08101

Re: MacFarland v. Commissioners of Fire Dist. No. 2
in the Township of Bordentown, et al.
Civil Action No. 09-2865 (JEI)

Dear Judge Schneider:

I am in receipt of Mr. Pilles' letter to Your Honor of this date, reporting that the parties have indeed resolved their differences over the non-disparagement and confidentiality provisions that were discussed in Monday's telephonic conference.

With Mr. Pilles' consent, however, I am writing to ask Your Honor to carry plaintiff's motion to enforce litigant's rights until the next return date of September 7, 2010. Mr. Pilles has taken the position that the motion to enforce will not be withdrawn, despite the reported agreement, until the document is signed by defendants and the proceeds tendered. Logistically, this cannot occur before the time for the defendants to oppose the motion expires on August 2, further complicated by my impending vacation beginning tomorrow afternoon. A one cycle adjournment of the motion should be sufficient to allow for the agreement to close.

Moreover, the District understandably does not wish to issue the settlement proceeds to MacFarland until he returns the uniforms and equipment to the District. An adjournment of the motion would obviate the need of the District to insist that Mr. Pilles hold the settlement proceeds in escrow in his Trust Account pending his client's return of that equipment. As Mr. Pilles has acknowledged, the District has provided him with an inventory of the items to be returned. Consequently, at this juncture, the defendants are waiting for plaintiff to sign and return the agreement and return the equipment in order to finalize this settlement. Given that the time by which these steps are to be taken is exclusively within plaintiff's control, it would be inappropriate for the District to be put in the position of having to oppose this motion by tomorrow to protect its interests.

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For these reasons, defendants make this informal motion by letter to have plaintiff's motion carried until September 7, 2010 with consent.

Thank you for Your Honor's patience and consideration of this request.

Respectfully yours,

Jeffrey L. Shanabarger

JLS/pmr

cc: John F. Pilles, Jr., Esq.
Andrew Watson, Esq.

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